RESOLVING WILDERNESS LAND-USE CONFLICTS BY USING PRINCIPLED NEGOTIATION

A Preliminary Analysis of Obstacles and Opportunities for the B.C. Ministry of Forests

for:
Dr. Peter J. Dooling
Forestry 517C

by:
Paul M. Wood
Graduate Student

August 1989

ABSTRACT

Opportunities are available for the B.C. Ministry of Forests to use principled negotiation as a means for resolving high-profile forest land-use disputes. This paper examines these opportunities and the obstacles that may be preventing the Ministry from realizing them.

As a premise, principled negotiation is described as an effective, efficient and appropriate means for resolving environmental land-use disputes.

The Ministry's decision-making processes for allocating wilderness and the public involvement opportunities associated with these decision-making processes are reviewed.

The paper concludes that the Ministry is restricted to authoritarian and consultative forms of governance and does not explicitly permit negotiation with the public. The primary obstacles preventing the Ministry from explicitly engaging in negotiative forms of governance are: (a) a fear that the agency may lose autonomy and control, and (b) concerns about the legitimacy of public opinions. Other obstacles are also discussed.

In order to overcome these obstacles, the Ministry needs to make changes in its philosophy and practice of governance, as discussed. Wilderness land-use disputes present particularly difficult challenges for negotiation due to strongly held perceptions that the competing interests are mutually exclusive. Incentives that may encourage competing interests to negotiate are discussed, and the need for an expanded frame of reference for wilderness land-use negotiations is emphasized.

Acknowledgements

In order to maintain confidentiality, most of the persons interviewed for this project are not identified. Nevertheless, the author accepts responsibility for the interpretation of all interviews.

The Faculty of Forestry at the University of B.C. received a grant from the Canadian Forestry Service which provided funding for this project.

92-03474/

TABLE OF CONTENTS

page

Abstract i

Acknowledgments ii

I. INTRODUCTION 1

II. A REVIEW OF PRINCIPLED NEGOTIATION 3

A. The Place of Negotiation in Decision-Making Processes 3

B. The Characteristics of Principled Negotiation 4

C. Appropriateness of Principled Negotiation 8

D. An Indication of the Success Rate of Principled Negotiation 9

III. CHARACTERIZATION OF FOREST LAND-USE CONFLICTS IN B.C. 11

IV. WILDERNESS ALLOCATION PROCESSES IN B.C. 15

A. Designated Wilderness Areas 15

B. Administratively Zoned Wilderness 15

C. Unprotected Wilderness 16

D. Protected Area Designations of Other Resource Agencies 16

V. PUBLIC INVOLVEMENT IN WILDERNESS ALLOCATION PROCESSES 17

A. Public Involvement Policy and Practice in the Ministry of Forests 17

B. Current Opportunities for Public Involvement in the Ministry's Wilderness Allocation Processes 20

VI. DISCUSSION: OBSTACLES TO, AND OPPORTUNITIES FOR, THE USE OF PRINCIPLED NEGOTIATION 21

A. Obstacles to Principled Negotiation 22

B. Opportunities for Implementing Principled Negotiation 27

1. Changes in the Philosophy of Governance 28

2. Changes in the Practice of Governance 35

3. Incentives for Negotiation 41

VII. CONCLUSIONS 46

VII. REFERENCES CITED 48

VIII. APPENDICES 52
Appendix 1: The Ministry of Forests' "Wilderness Assessment and Designation Process" 52

Appendix 2: Terminology 53

LIST OF TABLES

Table 1: Principled Negotiation as Compared to Positional Negotiation 6

I. INTRODUCTION

This paper explores the feasibility of *principled negotiation*[1], or *negotiation on the merits*, as a means for resolving high-profile forest land-use conflicts in B.C. In particular, this paper examines the B.C. Ministry of Forests' administrative and planning framework in order to:

a) identify Ministry policies, procedures, practices and perceptions that may be inhibiting the use of principled negotiation, and

b) outline changes that may be needed to expedite the use of this method, and thereby help to resolve forest land-use conflicts.

The focus in this paper is on high-profile forest land-use conflicts. In the past several years a number of these conflicts have occurred in B.C., in such areas as South Moresby, Stein Valley, Meares Island and, more recently, in Carmanah Valley. There are four elements that are common among these conflicts:

a) Other than native land claims, the primary conflict is between preservation for wilderness and its inherent values on the one hand, and development for timber harvesting and its instrumental values on the other hand.

b) Each of the conflicting interests is legitimate in either a *de jure* or *de facto* sense.

c) The conflicting interests tend to be well defined and are perceived as being mutually exclusive, in that the use of the contested area for one use is usually perceived as foreclosing the option for the competing use[2].

d) The contested areas are under the jurisdiction of the Ministry of Forests.

---

1. This term will be described in section II.
2. Although the interests may be perceived as being mutually exclusive, solutions to a conflict can sometimes be found which accommodate all interests.

In other words, these conflicts draw attention to the need to reconcile established (but contingent) timber rights held by some groups with the desire for wilderness preservation over the same areas as expressed by others. The four common elements listed above will be discussed in more detail in later sections.

This paper begins with the premise that principled negotiation is an effective, efficient and appropriate means for preventing or resolving environmental land-use disputes. A brief review of *principled negotiation* is presented in section II, in which the main arguments in support of this assumption are discussed.

The approach taken in this paper is:

a) to review the decision-making processes used by the Ministry of Forests for allocating wilderness,

b) to review the extent and type of public involvement that is included in these decision-making processes, and

c) to delineate obstacles to, and opportunities for, the use of *principled negotiation* for the resolution of forest wilderness land-use conflicts in B.C.

It should be noted that, as a preliminary analysis, this paper touches lightly on a broad range of topics from several disciplines. It explores a range of topics that, in a complete analysis, would need clarification, substantiation and evaluation through more intensive research.

II. A REVIEW OF PRINCIPLED NEGOTIATION

Principled negotiation[3] takes a distinctly different approach to conflict resolution than do more traditional forms of negotiation. Since an understanding of principled negotiation is necessary in order to appreciate its potential for resolving forest land-use disputes, this section briefly reviews the characteristics of the method, its place in decision-making processes and an indication of its rate of success in resolving environmental disputes in the United States.

A. The Place of Negotiation in Decision-Making Processes

Dorcey and Riek (1987) delineate three modes of decision-making: authoritative, consultative and negotiative:

> (i) *Authoritative decision-making* occurs when an individual or group makes trade-offs alone and imposes the decision on others.
>
> (ii) *Consultative decision-making* occurs when an individual or group consults with other individuals or groups before making the trade-offs and imposing the decision.
>
> (iii) *Negotiative decision-making* occurs when individuals or groups make the trade-offs themselves and adopt an agreement.

As Dorcey (1988) notes, "In practice all three modes of decision-making are used and the differences are not so clear cut. In a world where increasing demands, complexity and uncertainty generate increasing conflict, bargaining and negotiation are increasingly common modes of decision-making even when the mechanisms are purportedly authoritative or consultative."

A distinction must be made, therefore, between explicit use of negotiation and the implicit, common use of negotiation in day-to-day interaction. Dorcey and Riek (1987) define "explicit use of negotiation" as occurring when "governments actively seek ways to reach negotiated solutions instead of exercising their legitimate powers

3. This type of negotiation is also known as "alternative dispute resolution," "consensual dispute resolution" (Ombudsman 1988), "interest-based negotiation" (Bingham 1986), "structured dialectical debate" (Mason and Mitroff 1981), or "negotiated approaches to consensus building" (Susskind and Cruikshank 1987).

to make authoritative decisions." This is not to imply that the explicit use of negotiation is meant to replace government procedures, but rather it is meant to supplement existing procedures (Susskind and Cruikshank 1987). Wondolleck (1988a) refers to the need for triggering mechanisms that would indicate when explicit negotiation-based procedures are needed to produce more satisfactory solutions to management issues.

B. The Characteristics of Principled Negotiation

Principled negotiation means "negotiation on the merits" (Fisher and Ury 1981). Principled negotiation focuses on creative solutions that attempt to maximize all the interests of the negotiators, rather than focusing on compromises that are to be extracted from each negotiator's established position. Principled negotiation provides a forum where the dispute can be resolved on the merits of the arguments, rather than on the strengths of wills. In order to describe principled negotiation, it is useful to compare it to traditional negotiation, which is sometimes referred to as "positional," or "zero-sum" negotiation.

> There are basically two approaches to negotiation. These have been observed by almost all negotiation experts. The first, the "zero-sum" approach, assumes that there are only limited gains available. Whatever one group wins, the other groups lose. Thus, the pluses to one side are balanced out by the minuses to the other side, yielding a total of zero - a "zero sum."
>
> Compromise suggests an outcome that just barely meets everyone's acceptable minimum....By definition, political compromise offers a lot less than what each side hoped to achieve. Thus, it is not likely that the parties will be enthusiastic about implementing agreements achieved through compromise. (Susskind and Cruikshank 1987)

Positional negotiation becomes a contest of wills:

> Each negotiator asserts what he will and won't do. The task of jointly devising an acceptable solution tends to become a battle. Each side tries through sheer will power to force the other to change its position. (Fisher and Ury 1981)

In the contest of wills, participants may bargain "hard," which risks a breakdown in the negotiation and may jeopardize the ongoing relationship with one's adversary, or participants may bargain "soft," which may mean conceding too much (Fisher and Ury 1981). *Table 1* compares some aspects of these two tactics in positional bargaining.

Principled negotiation, on the other hand, uses a different approach. To characterize this approach, Fisher and Ury (1981) isolate four principles:

(i) *Separate the people from the problem.* The substantive issue to be resolved and the "people problems" which may impede negotiations are two separate issues and should be treated separately. The authors point out that positional negotiation tends to confuse these two considerations as one, such that an attack on one person's position becomes an attack on that person. The authors advise that, throughout the negotiation, the "people problems" must be handled effectively in order to proceed with resolving the substantive issue. They suggest ways of clarifying each participant's perceptions, venting and controlling emotions, and communicating effectively. For successful negotiation, they argue, each of these considerations must be handled successfully.

(ii) *Focus on interests, not positions.* As explained above, principled negotiation is based on maximizing interests, rather than compromising on positions. The authors explain that interests need to be clear. Vague or surface interests can lead to misunderstandings and can impede efforts to design options that will satisfy a participant's underlying interests. By constructively challenging each other, participants can clarify their interests.

TABLE 1: Principled Negotiation as Compared to Positional Negotiation

Positional Negotiation		Principled Negotiation
Soft	Hard	
Participants are friends.	Participants are adversaries.	Participants are problem solvers.
The goal is agreement.	The goal is victory.	The goal is a wise outcome reached efficiently and amicably.
Make concessions to cultivate the relationship.	Demand concessions as a condition of the relationship.	*Separate the people from the problem.*
Be soft on the people and the problem.	Be hard on the people and the problem.	Be soft on the people, hard on the problem.
Trust others.	Distrust others.	Proceed independent of trust.
Change your position easily.	Dig in to your position.	*Focus on interests, not positions.*
Make offers.	Make threats.	Explore interests.
Disclose your bottom line.	Mislead as to your bottom line.	Avoid having a bottom line.
Accept one-sided losses to reach agreement.	Demand one-sided gains as the price of agreement.	*Invent options for mutual gain.*
Search for the single answer: the one *they* will accept.	Search for the single answer: the one *you* will accept.	Develop multiple options to choose from; decide later.
Insist on agreement.	Insist on your position.	*Insist on using objective criteria.*
Try to avoid a contest of will.	Try to win a contest of will.	Try to reach a result based on standards independent of will.
Yield to pressure.	Apply pressure.	Reason and be open to reasons; yield to principle, not pressure.

From: Fisher and Ury 1981.

(iii) *Invent options for mutual gain.* After the participants' interests have been clarified, options can be developed to accommodate all interests. Through brainstorming exercises, options can be generated. However, the authors caution that the development of options can be a difficult step. They describe four major obstacles that inhibit the creation of options: premature judgment, searching for the single answer, the assumption of a fixed pie, and thinking that "solving *their* problem is *their* problem." Fisher and Ury suggest that awareness of these problems may help to overcome them, but they also suggest several techniques that can be useful.

(iv) *Insist on using objective criteria.* Principled negotiation gets its name from its reliance on principles. Principles, or objective criteria, are used by the participants to judge the options they have invented. The authors stress that the participants first must agree on the objective criteria they will use before they attempt to judge the options. As examples of principles, the authors list the following: market value, precedent, efficiency, what a court would decide, moral standards, equal treatment, and tradition. In more general terms they point out that principles can be divided into two broad categories: fair standards and fair procedures. The salient factor is that the participants must feel that the principles they choose are fair and appropriate to the issue.

Table 1 illustrates how principled negotiation compares with positional negotiation.

To complete the description of principled negotiation, it is also important to point out what it does not entail. Cormick (1987) lists several misconceptions of mediated[4] negotiation which are equally applicable to principled negotiation. He points out that it "does not lead to a resolution of the basic differences that separate the parties in

4. See *Appendix 2* for terminology.

conflict." Basic differences in perceptions and values (*i.e.* ideologies) will persist, but the parties may be able to agree to a satisfactory distribution of the contested resource. He also emphasizes that it continues to be adversarial in nature and that the negotiators do not necessarily learn to like, trust and agree with each other. Constructive use of adversarial stances, he argues, clarifies the participants' interests and produces better agreements. Any compatibilities developed among the group representatives in the negotiation are incidental to the process because the representatives still must ratify their proposed agreements with their constituents. He also advises that negotiation is not an alternative to litigation: "Actual or threatened litigation is often a necessary prerequisite to the willingness of a party proposing some action to negotiate; it is the source of power and influence that brings the parties to the table."

C. Appropriateness of Principled Negotiation

Proponents of principled negotiation argue that agreements reached with the method "offer the wisest, fairest, most efficient, and most stable outcomes possible" (Susskind and Cruikshank 1987).

These same authors refer to a "wise" outcome as "one that contains the most relevant information," as compared to relatively arbitrary decisions made for the sake of agreement. "It is not enough for the parties to reach an accord with which they are willing to live," they argue; "...contending interests must examine the merits of all the arguments and evidence being put forward, including their own." This is particularly true in cases such as wilderness issues where a large component of the dispute involves value judgments (Copp 1985; Dorcey and Thompson 1983; Kelman 1982; Sagoff 1988; Schafer 19?).

Susskind and Cruikshank (1987) contend that "the best way to determine the fairness of a negotiated solution is to evaluate the attitudes and perceptions of the parties most

affected." Fairness, of course, involves concepts of justice, both procedural and substantive. The premise behind principled negotiation is that both aspects of justice are satisfied because: (a) affected parties are given an equitable and undistorted opportunity to contribute to the decision-making process, and (b) the agreement reached is voluntary, implying that the substantive aspect of the arrangement is to the satisfaction of the negotiating parties.

Susskind and Cruikshank also contend that "a better process produces a more efficient...outcome," presumably by attempting to clarify and satisfy the parties' interests directly, rather than by more circuitous routes. Bingham (1986), however, admits that little evidence is available to compare the cost and time efficiencies between negotiation and litigation and that there is a conceptual problem of finding cases that are sufficiently comparable.

Finally, in terms of stability, Susskind and Cruikshank, and other authors, point out that the voluntary nature of the agreements reached through negotiation ensures that they are more enduring, as will be discussed below.

D. An Indication of the Success Rate of Principled Negotiation

From a comprehensive study of mediated environmental disputes in the United States (Bingham 1986 and 1987), The Conservation Foundation concludes that negotiated disputes have proven to be more successful than traditional forms of dispute resolution, including litigation, administrative proceedings and legislative resolution of conflicts. Success can be measured from several perspectives, particularly in terms of the achievement of the objectives of the negotiation and the implementation of agreements reached.

In a brief sketch of the history of mediated environmental disputes in the U.S., Bingham (1986 and 1987) explains that in 1973 the governor of the state of

Washington used mediators in a long-standing dispute over a proposed flood control dam on the Snoqualmie River. Across the United States, nine more environmental disputes had been mediated by the end of 1977. In 1978, eleven more were mediated and nineteen were mediated in 1979. By mid-1984, over 160 environmental disputes had been mediated. Bingham (1986) provides a summary analysis of 161 cases.

The objective in 29 of the 161 cases was to improve communications, whereas in the remaining 132 cases the objective was to reach an agreement. Of these 132 cases, 99 involved site-specific issues and 33 involved policy issues.

Agreements were reached in 103 (78%) of the 132 agreement-seeking cases. There was little difference between cases involving site-specific issues (79% reached agreements) and those involving policy issues (76% reached agreements). Whether or not the accountable decision-maker participated in the negotiation, however, did make a significant difference. Agreements were reached in 82% of the cases in which the decision-maker participated (*i.e.* the objective was to reach a decision), whereas agreements were reached in only 73% of the cases in which the decision-maker did not participate (*i.e.* the objective was to agree upon a recommendation).

In theory, voluntary agreements reached in negotiation are more likely to be implemented than are resolutions reached through coercion (Bingham 1986; Fisher and Ury 1981; Susskind and Cruikshank 1987).

> Voluntary agreement is assumed to be a measure of success in resolving disputes, not because each party gets everything it wants but because it reflects a judgment by the parties that the issues in dispute have been resolved more adequately than they would have been using other available means of dispute resolution. (Bingham 1986)

In practice, Bingham (1986) reports that in the 99 cases involving site-specific issues, 80% were fully implemented, 13% were partially implemented and 7% were not implemented, giving confirmation of the theory.

It is important to keep in mind, however, that Bingham's analysis deals only with environmental disputes that were mediated. The analysis, therefore, does not include the success rates of unassisted negotiations, nor does it indicate the proportion of environmental disputes that were not mediated for one reason or another. Mediators assess in advance whether a negotiation is likely to be successful (Bingham 1986). In one mediator's judgment, as few as 10 percent of environmental disputes may be suitable for negotiation (Talbot 1983). Factors that influence the likelihood of success include a perceived balance of power among the parties, that the parties have sufficient incentives for negotiation (that they perceive they may achieve more of what they want through negotiation than through other means), that they are willing to negotiate, that the scope of issues to be negotiated are agreed upon in advance, that a deadline has been established, and that those with the authority to implement the decision participate directly in the negotiations (Bingham 1986; Cormick 1987; Wondolleck 1988b). For wilderness disputes in B.C., some of these considerations are discussed in more detail in section VI.

III. CHARACTERIZATION OF FOREST LAND-USE CONFLICTS IN B.C.

At any one time, the B.C. Ministry of Forests is engaged in up to 300 public involvement issues[5] (G. Erlandson, pers. comm.). Relatively few of these 300 issues can be characterized as land-use allocation conflicts involving wilderness versus forest industry development interests. Most involve concerns about watershed protection, landscape aesthetics, recreation (non-wilderness), access, fish and wildlife habitat, or other concerns (G. Erlandson, pers. comm.). Many of the "high-profile[6]" disputes, however, are wilderness land-use issues.

---

5. Although the Ministry does not have a written definition of the term "issue," it can be interpreted to mean that the subject is significant to the Ministry, more than one option is available, and that there are benefits attached to forming a resolution (J. Crover, pers. comm.). From a public involvement perspective, "issues" are associated with conflicts involving values or interests, are often stated in value-laden terms, and are not problems that expert knowledge can necessarily resolve (G. Erlandson, pers. comm.).

6. "High-profile" is a loosely defined term, but is assumed in this paper to mean that the competing parties spend considerable effort to lobby the public and the government and that the issue has attracted a high level of media attention.

The Wilderness Advisory Committee, appointed in 1986 by the Minister of Environment, examined 16 proposed wilderness areas and 8 proposed park boundary changes, but also examined some of the broader issues relating to wilderness allocation in B.C. In its report, *The Wilderness Mosaic* (1986), the committee emphasized the difficulty of resolving conflicts between wilderness and forest industry interests:

> The difficulty of resolving conflicts between logging and wilderness preservation was raised frequently. The problem appears to arise from having overcommitted our timber resources in the past. This makes it difficult to provide a forestry company with replacement timber when a proposal is made to remove some timber from the commercial forest.

The committee's report also pointed out that the mining industry objects to wilderness areas being "locked up." However, unlike the forest industry which is concerned with established timber rights in specified areas, it can be inferred that the mining industry's concerns are more generalized. Unless areas have been intensively reviewed, mining interests prefer to not have *any* lands "locked up" because of their potential value as markets change and new ore deposits are discovered. In addition, designated or zoned wilderness areas under the *Forest Act* (discussed below) do not preclude mining exploration and development. For these reasons, this paper focuses solely on the forest industry versus wilderness conflicts.

In order to examine conflicts from a broader perspective, Dorcey (1986) identifies four types of conflict but points out that they will likely be mixed in any one dispute:

(i) *Cognitive conflict* refers to different understandings of the nature of the dispute, or of the specific issue that is being disputed. This may be attributed to miscommunication or to a lack of agreement on factual information.

(ii) *Value conflict* refers to different preferences regarding the outcome of the dispute.

(iii) *Interest conflict* refers to differences in opinion regarding the distribution of costs and benefits. Dorcey includes in this category differences of opinion regarding the ethical considerations implicit in the dispute.

(iv) *Behavioral conflict* refers to differences in personalities and temperaments among the parties in the dispute.

Although these four types of conflict may influence the nature of any one dispute, Susskind and Cruikshank (1987) contend that in public disputes the specific issue usually involves the distribution of benefits or costs among affected persons. The implication is not that cognitive, value or behavioral conflicts are unimportant, but that they are inherent in a pluralistic society and that usually they are not directly negotiable in the public arena. Rather, it is the distributional aspects of public conflicts that lend themselves to negotiation. As Cormick (1987) explains:

> [An] agreement...cannot be construed as an indication that two or more conflicting parties have resolved their divergent priorities or reconciled their differing perceptions. Rather, in the immediate situation that confronts them, they have found a solution upon which they are able to agree despite their basic differences.

Susskind and Cruikshank (1987) also distinguish between distributional conflicts and those that involve constitutional or legal rights:

> "[Distributional disputes] differ markedly from a second category of disputes that center primarily on the definition of constitutional or legal rights. Distributional disputes focus on the allocation of funds, the setting of standards, or the siting of facilities (including how we use our land and water). Constitutional disputes...hinge primarily on interpretations by the courts of constitutionally guaranteed rights...Thus, final distributional decisions are, in most instances, postponed until questions of fundamental rights can be resolved."

Questions concerning legal and ethical rights, therefore, need to be answered before the distribution of benefits and costs can be considered. These legal and ethical rights give *de jure* and *de facto* legitimacy, respectively, to the conflicting interests, and therefore to the negotiation participants. But the interpretation of legal rights and the reasoning

behind the determination of ethical rights are not independent of the cognitive perspectives and values of the participants. This brings us back to Dorcey's comment concerning the mixture of conflicts in any one dispute.

At this point it is worth noting that in B.C. the legal rights of both wilderness advocates and forest industry development advocates are established in the *Forest Act*. Tenures held by licencees under Part 3 of the *Forest Act* grant them the legal right to harvest public timber. But under Part 4 of the Act these legal rights are subject to modification at the discretion of the Minister of Forests[7] if the Minister perceives that a contested area would better serve society if used for a different purpose, including wilderness. The legal right of the public to re-allocate forest land as would best serve society is vested in the Minister's discretionary authority to repeal established timber rights. In other words, the rights of both interests are legitimate in both a *de jure* and *de facto* sense, but the legal rights of both interests are largely contingent on the Minister's discretionary authority.

Dorcey (1986) explains that for B.C. coastal resources in general, increasing demands, complexity and uncertainty have heightened the level of conflict. He emphasizes that, "Conflicts are particularly evident between resource development and conservation interests." He also notes that these characteristics have prompted one group to label such issues as "wicked problems" (Mason and Mitroff 1981), "because they are not amenable to resolution by the traditional techniques of analysis," (Dorcey 1986). Similarly, Alston (1983) and Wondolleck (1988a) refer to a history over the past two decades in the United States where traditional planning tools have failed to resolve environmental issues due to reasons of complexity and uncertainty. It seems reasonable to assume that these characteristics also describe the high-profile wilderness allocation issues in B.C.

---

7. Section 53 of the *Forest Act* stipulates that if more than 5% of a company's allotment of public timber is removed by such a decision, the company retains a legal right to compensation for the portion of its lost allotment that is over 5%.

IV. WILDERNESS ALLOCATION PROCESSES IN B.C.

The Ministry of Forests can recognize four categories of wilderness:

A. Designated Wilderness Areas

A recent amendment to the *Forest Act*, section 5.1, enables the government to designate portions of provincial forests as *Wilderness Areas*. Designation is by Order-in-Council and Wilderness Areas are managed by the Ministry of Forests.

Proposed wilderness management policy within the Ministry identifies a "Wilderness Assessment and Designation Process" (see *Appendix 1*) that, if the policy is approved, will be used to assess candidate Wilderness Areas and to recommend suitable areas for cabinet approval and designation (T. Vold, pers. comm.). In essence, this assessment and designation process is a form of local resource use planning (T. Hall, pers. comm.) and can be conducted in the context of TSA or TFL planning, or perhaps independently of these forest level planning processes.

B. Administratively Zoned Wilderness

Section 5 (4) of the *Forest Act* enables the Ministry of Forests to manage portions of provincial forest for wilderness recreation. Under this section of the Act, the Ministry can recognize areas of wilderness through administrative zoning. The above-mentioned wilderness policy proposal is recommending that the Ministry invoke this section of the Act as an additional means for protecting and managing wilderness (T. Vold, pers. comm.).

TSA or TFL planning processes, or if required, a local resource use planning process, would be used to assess candidate areas and to recommend, where appropriate, this type of administrative zoning (T. Vold, pers. comm.).

C. Unprotected Wilderness

The Ministry of Forests holds within its jurisdiction inventories of unprotected wilderness land that are neither designated under Section 5.1 of the *Forest Act* nor zoned for wilderness recreation under Section 5 (4). These areas are sometimes referred to as *de facto* wilderness and are the source of candidate areas for protected status.

Development already may be planned for some of these unprotected areas. Inventories of wilderness land within the net land bases of TSA's and TFL's, for example, are expected to be harvested at some time.

If a potential wilderness area is identified within the current planning processes for TSA Plans or TFL Management and Working Plans, then presumably the Ministry of Forests can invoke either:

a) a "Wilderness Assessment and Designation Process," which presumes in advance that the designation of the area under Section 5.1 is one of the options; or,

b) a similar local resource use planning process, where an administratively recognized wilderness zone under Section 5 (4) is considered in advance to be the main focus and where it is presumed that designation under Section 5.1 is not an option.

D. Protected Area Designations of Other Resource Agencies

In addition to already existing protected areas administered by other agencies, such as Provincial Parks, Ecological Reserves, National Parks, or other designations, forest land can be removed from the Ministry of Forests' jurisdiction in order to allow for the creation of new protected areas. Section 5 (8) of the *Forest Act* enables a provincial forest to be cancelled by Order-in-Council and section 5 (8.1) enables the

Minister of Forests to delete land from a provincial forest. These are discretionary authorities held by the Lieutenant Governor-in-Council and the Minister, respectively, and are based on their considerations of the social and economic benefits to the Province. These actions may be invoked in order to permit the designation of wilderness under other resource agency jurisdictions (J. Crover and T. Hall, pers. comm.).

According to Ministry of Forests policy, a "Provincial Forest Review" process is required in order to create, cancel, add to, or delete from a provincial forest. Therefore, if another resource agency, such as B.C. Parks or the Ministry of Environment, were to propose a protected area designation in a provincial forest, then this review process or an equivalent *ad hoc* review process would be invoked. This process would be used to assess the proposal before a cancellation of, or deletion from, a provincial forest were made (J. Crover, pers. comm.).

V. PUBLIC INVOLVEMENT IN WILDERNESS ALLOCATION PROCESSES

A. Public Involvement Policy and Practice in the Ministry of Forests

The Ministry of Forests' Public Involvement Policy (1983) states that the "role of non-governmental organizations, interest groups and individuals or others without legal contractual relationships with the Ministry" is limited to advisory status only, which can be inferred as excluding genuine negotiative processes of governance. The policy also defines "decision-making status" as "the role of Ministry personnel, personnel of other government resource agencies or those under legal contractual obligations as specified in the statutes of British Columbia."

The Ministry of Forests' "Public Involvement Handbook" (1981) describes a number of methods for obtaining *advice* from public groups, but also describes a method known as a "Joint Planning Team," which, in theory, has decision-making authority:

> A joint planning team is a group of Forest Service, resource agency, industry, and *public representatives*, charged with the job of producing a resource plan *which is binding on all parties and can be implemented immediately*. It is a decision-making team, with substantial authority delegated from the Forest Service and other agencies. (Ministry of Forests 1981; emphasis added)

On the surface, there is an apparent contradiction between these two Ministry documents. Policy limits public involvement to advisory status, although the handbook counsels that joint planning teams, which can include public representatives, can assume decision-making authority. However, a subtle difference in the delegation of authority to the Forest Service representative on the team (as would presumably be stipulated in the terms of reference) determines whether the agency engages in consultation or negotiation with the public. Some joint planning teams may be designed to reach consensus among the team members, but their "decision" becomes a "recommendation" to a senior Forest Service manager who then makes a decision (G. Erlandson, pers. comm.). The objective of the team, therefore, is to agree on a recommendation. This, of course, is *consultation* with the public. Other joint planning teams, however, may include the decisive Forest Service representative[8] on the team, such that his or her concurrence with the team's agreement ensures the Ministry's commitment to its implementation (G. Erlandson, pers. comm.). The objective of the team, therefore, is to agree to a decision. This latter distribution of authority represents *negotiative* governance.

This subtle difference is important. It does not necessarily imply that there is a difference between policy and practice in the Ministry. Rather, it indicates that the terms "advisory status" and "decision-making status," as defined in the Ministry's public involvement policy, are misleading and restrictive. At least under the terms of

---

8. If the participant is a representative of a group, then the representative may want to, or be obliged to ratify a proposed agreement with his or her group before the negotiating team settles on a final agreement. The ratification step is usually considered to be part of reaching an agreement (Bingham 1986) and is not to be confused with the overall objective of some negotiations which seek to make recommendations only.

some joint planning teams, it appears that the Ministry will engage in negotiation with the public and that the public can *assist* in the decision-making process, both of which grant the public more than "advisory status" only. However, these avenues for public participation and governance are not explicit in the policy and the opportunity for explicitly exercising negotiative governance is restricted to only some joint planning teams. Rather than clarifying that the agency must remain accountable for its decisions and actions, the policy confuses the concept of accountability by creating an unnecessary and misleading dichotomy between "advisory status" for the public and "decision-making status" for the government.

The Ministry, however, also recognizes the practice of negotiative governance in an indirect manner. In-house courses in negotiation skills are offered to staff members (G. Erlandson, pers. comm.). These courses are offered with the intention of training Ministry personnel not merely to deal with the public more tactfully, but to actually engage in negotiation, especially at the local resource planning level.

It may be significant that the Ministry's Public Involvement Handbook cautions managers to "be very careful not to employ a joint planning team on broader resource issues, which often require political decisions for resource allocations." Similarly, the Ministry's training courses in negotiation skills appear to focus on the use of these techniques to resolve small and local issues with the public. *The implication is that the agency's willingness to engage in negotiative governance depends more on the scale of the issue to be resolved than on policy itself.* Larger issues such as land-use allocations appear to be, from the Ministry's viewpoint, unsuitable topics for negotiation.

B. Current Opportunities for Public Involvement in the Ministry's Wilderness Allocation Processes

The wilderness allocation processes listed above currently contain opportunities for the public to offer advisory input, as outlined below.

1. Designated Wilderness Areas

At any time the public can identify and suggest to the Ministry that an area be considered for Wilderness Area designation.

If a "Wilderness Assessment and Designation Process" is initiated by the Forest Service, the proposed wilderness policy provides four opportunities for public involvement (T. Vold, pers. comm.):

a) For each "Wilderness Assessment and Designation Process," a planning team will be assembled. There is a possibility that the planning team can include members from the public (individuals or representatives from non-governmental organizations). In turn, the planning team will seek public comment as per the three opportunities outlined below.

b) The planning team will issue a draft terms of reference for public comment.

c) The planning team will develop options and prepare an "Options Report" for public review.

d) In some cases a draft wilderness management plan may be prepared and made available to the public for comment before a recommendation is given to the Regional Manager.

2. Administratively Zoned Wilderness

The local resource use planning process that likely would be implemented under the Ministry's proposed wilderness policy, would be conducted in the context of

either a TSA or TFL planning process, both of which currently contain opportunities for the public to comment on the issues, the draft options (TSA planning process only) and the draft plan.

In addition, the local resource use planning process itself would provide opportunities for public input.

3. Creation of Protected Areas of Other Resource Agencies

The Ministry of Forests' "Provincial Forest Review" process, which is used to assess new protected area proposals from other government resource agencies, does include an opportunity for public comment (Ministry of Forests 1985). After preparation of a draft report, the Ministry advertises in local newspapers that a review is in process and that comments from the public are invited[9]. Ministry policy recommends that where possible, the Ministry of Forests' review be undertaken in conjunction with the other resource agency's planning process.

VI. DISCUSSION: OBSTACLES TO, AND OPPORTUNITIES FOR, THE USE OF PRINCIPLED NEGOTIATION

As discussed in section II of this paper, the use of principled negotiation has been demonstrated to be effective, efficient and appropriate for resolving conflicts, particularly environmental conflicts in the United States in the past decade. Despite serious forest land-use conflicts in B.C., the Ministry of Forests, however, has made very limited use of this method of dispute resolution and does not officially recognize its use in policy. The following discussion identifies a number of possible "roadblocks" that may be impeding the use of this method, and delineates opportunities for overcoming these roadblocks and for implementing the method.

---

9. This procedure is for a Category 2 review, as described in Ministry policy. Category 1 provincial forests do not require reviews and Category 3 provincial forest reviews have not been conducted to date (J. Crover, pers. comm.).

A. Obstacles to Principled Negotiation

There appear to be a number of interrelated obstacles to the Ministry of Forests' explicit use of principled negotiation. However, it should be noted that as a scoping project, the intention here is to identify *likely* obstacles, as revealed during interviews with a number of Ministry of Forests personnel. Further research would be required to substantiate these claims and to assess their significance.

1. Lack of executive support

Executive support must precede the Ministry's explicit use of principled negotiation, but appears to be lacking. This is reflected in the Ministry's adherence to a public involvement policy which restricts the Ministry to a consultative form of governance and does not explicitly permit negotiation.

In turn, a lack of executive support may have a number of causes, including a lack of understanding of the concepts of principled negotiation, fear of losing control, and a perception that public groups do not hold legitimate opinions or do not represent the public. These are discussed separately below.

2. Lack of understanding

Executive personnel may not understand and appreciate the potential value of principled negotiation if they have not been exposed to the concept. However, even among those trained in the method, Wondolleck (1988b) notes that its full acceptance in the U.S. Forest Service has been limited by the "inability of some individuals to understand, and thus support dispute resolution processes."

As Susskind and Cruikshank (1987) explain, "Most participants in public disputes are so accustomed to thinking in win-lose terms that they cannot imagine an approach that seeks to ensure mutual gain for all contending parties."

3. Fear of losing control

Fear of losing control appears to be the single largest factor that is impeding the use of principled negotiation in the Ministry of Forests. This factor has several nuances.

Under current legislation, the Minister of Forests holds considerable discretionary authority to make decisions regarding wilderness allocation and may be unwilling to engage in a process which may be perceived as mitigating this legal autonomy. In more general terms, the 1986 Wilderness Advisory Committee recognized this as a problem: "[P]roblems arise from...present regulations and the discretionary powers with which they can be exercised."

Similarly, the Forest Service executive enjoys administrative control in the approval of policy and plans and is in a position to exercise a high level of political persuasion. The executive may perceive negotiation as infringements on its autonomy and control. As one Forest Service employee pointed out, "If the Forest Service has all the control, then why talk to anyone?"

More specifically, there appear to be at least three components to this general fear.

Firstly, it may be perceived that if it were engaged in negotiation, the agency would be abrogating its responsibiiity to manage the province's forests by delegating some of its mandate to members of the public. It may be perceived that, while it would still be accountable for the decisions made and actions taken to fulfill its mandate, the agency would be relinquishing its control over those decisions and actions to persons who are not accountable.

Secondly, at the executive level within the Ministry, there may be a reluctance to delegate the agency's authority to any one employee who would serve as the

Forest Service representative in the negotiations, while executive personnel may not be willing to allocate the time required to negotiate. Although this is internally inconsistent, it suggests that the executive may not perceive any one wilderness land-use issue as being sufficiently important for them personally to devote a large amount of time to resolve, but that it would be too important for them to delegate the decision-making authority to a subordinate.

Thirdly, staff within the Ministry have developed the planning processes and procedures that the Ministry uses and may feel that principled negotiation would undermine their work. In the U.S. Forest Service, Wondolleck (1986) observed that among personnel that were being trained in dispute resolution techniques, there was a defensive attitude toward current standard operating procedures.

4. Perception that public groups' opinions are not legitimate

Among Ministry executive and staff in general there may be an attitude that the opinion of an individual or public group is not legitimate. As expressed by one Forest Service employee, "By not talking to the public, [the Forest Service does not] give them status that they don't *deserve*."

There are at least four separate aspects to this attitude. Firstly, legal council apparently has advised the Ministry that by discussing issues with individuals or groups, especially if the discussion is written down, the Ministry may inadvertently confer legal standing on these persons with regard to the issue. In turn, this is interpreted as unjustly favoring one individual or group over other members of the public.

Secondly, there is an apparent confusion between facts and values. The conception among some Ministry staff appears to be that wilderness land-use conflicts are due to public groups lacking factual information or having incorrect

factual information. Their premise is twofold: firstly, that wilderness land-use issues arise from misunderstandings of the facts and therefore only factual information is relevant to these issues; and, secondly, that if the public groups fully understood the facts, then they would not have valid grounds for arguing against development interests. This attitude fails to recognize that there are conflicting *values* held by the participants in these disputes.

Thirdly, any one public group can be labelled as a "special interest group" and this is interpreted by some as meaning that it does not represent the entire public and therefore *cannot* express a legitimate opinion. The underlying premise is that a value held by a "special interest group" is not valid by definition.

Finally, attention to the interests of one group may be considered by some to be a circumvention of the principles of liberal democracy upon which the nation is founded. They may consider *any* public participation in the decision-making processes of government to be illegitimate.

5. Inability to recognize issues as they emerge

The Ministry has identified a need to implement mechanisms whereby issues can be better recognized as they are emerging (G. Erlandson, pers. comm.). In-house courses for Ministry staff teach the importance of implementing specific mechanisms that will highlight emerging issues, such as periodic, issue-seeking discussions among operational staff, or the organization of special issues-tracking groups.

6. Forest Service encourages confrontation

An hypothesis held by the Ministry is that it actually may be encouraging some public groups to use confrontational tactics. By responding inadequately to local issues, the Ministry may (in effect) force affected groups to raise the issue with

the media and to advocate their positions among elected politicians. This increases the confrontational nature of the issue and forces affected interests into more deeply entrenched adversarial positions. When another local issue arises, these same groups, having become skilled in confrontational tactics and having learned that the local managers are unapproachable, will then approach the media and politicians immediately with the new issue.

A second aspect of this hypothesis is that consultative public involvement may fail to convince groups that their concerns are being heard and accommodated in the decision-making process.

> The public is seldom fooled for very long. If the opportunity for participation is presented paternalistically, condescendingly, ritualistically, or routinely, the public will soon sense that it is not a meaningful endeavor. (Thompson 1979)

If public groups develop this perception, they will attempt to receive recognition through "court challenges [mostly in the U.S.] and political action," (Cormick 1987). In particular, some groups may have perceived that the Ministry of Forests' public involvement programs have failed to accommodate their concerns.

7. Perception that some public interest groups have intractable positions

The Ministry may perceive that some public interest groups have intractable positions. This perception presumes that these groups would not be amenable to negotiation and is at least partly based on the observation that these groups use confrontational tactics in advocating their positions with the media and politicians. Obviously, this perception is closely related to the hypothesis outlined in (6), above. It is also closely related to the problem of mutually exclusive interests, outlined below.

8. The problem of mutually exclusive interests

Conflicting interests that are perceived to be mutually exclusive present a special problem. The wilderness versus industrial development issues that are the focus of this paper are examples of this phenomenon. Wilderness advocates define wilderness in terms of a lack of industrial development: an area that is partly developed is not wilderness. From this perspective, the dispute becomes an all-or-nothing, win-lose contest. In other words, the integrity of the contested wilderness area, from the wilderness advocates' perspective, is a non-negotiable issue. Negotiation, from this perspective, will likely be perceived as offering nothing and may be perceived as exposing the wilderness advocate to mollification and manipulation.

9. Lack of expertise, support staff and funding

If the Ministry were to overcome the above-mentioned obstacles and make optimal use of negotiation processes, it would likely obtain the required skilled personnel and support staff and would allocate sufficient funding. Lack of these requirements could become an obstacle to the use of negotiation, but cannot be considered a direct obstacle at this time.

B. Opportunities for Implementing Principled Negotiation

The concept of principled negotiation presents an opportunity for the Ministry of Forests. As a means for resolving wilderness allocation issues in B.C., the method is sound in theory and has been demonstrably effective in the United States. However, the preliminary list above suggests that a number of obstacles must be overcome before the method can be implemented. In broad terms, the required changes fall into three categories: changes in the philosophy of governance, changes in the practice of governance, and incentives for negotiation. These three topics are discussed in this subsection.

1. Change in Philosophy of Governance

Most of the obstacles to the use of principled negotiation in the Ministry of Forests, as listed above, are related to philosophy of governance. The central issue is the need for an expansion of the provincial government's repertoire from authoritative or consultative governance to the explicit recognition and practice of genuine negotiative governance. For the Ministry of Forests in particular, this would entail the adoption of a public involvement policy which would explicitly permit the agency to engage in negotiative processes with the public in a broad range of resource management issues, including land-use allocations.

Related obstacles need to be overcome before this change in governance could be adopted, particularly the Ministry's concerns and attitudes about autonomy, control and legitimacy, as outlined above. Education, experience and executive leadership are indicated as the primary means to overcoming these obstacles. As Wondolleck (1988b), referring to the U.S. Forest Service, suggests:

> Only through continued experimentation with documentation of the use of dispute resolution approaches to forest management planning and decision making will some of these more entrenched attitudinal obstacles be overcome....[T]hese processes are neither intended nor likely to lead to a diminution of agency decision-making authority. Rather, when used in the right circumstances by agency officials who are skillful negotiators, fully cognizant of their substantive mandates, these approaches are likely to lead to improved understandings between affected interests as well as increased possibilities for mutually acceptable outcomes.

The implications are that before a government can adopt a philosophy of governance that permits negotiation, it first must recognize the security of its autonomy and control, and must recognize that the opinions and values of citizens regarding forest land-use allocations are not only legitimate but are directly relevant. These issues are explored in more detail in the following discussions.

a) Overcoming a fear of losing control

The Ministry of Forests has a legislated mandate to manage the province's forest land and is accountable for its decisions and actions regarding its fulfillment of this mandate. But the mandate is largely substantive, rather than procedural. By engaging in principled negotiation, the Ministry would not have to sacrifice its substantive mandate; it would merely engage in a different process for its implementation. Since negotiation seeks voluntary agreement, the Ministry representative in negotiation would not be obliged to agree to any plan which is beyond the agency's mandate. As Susskind and Cruikshank (1987) point out, government agencies usually cannot legally delegate their authority to binding arbitration, but negotiation, whether unassisted or assisted by a facilitator, mediator or non-binding arbitrator[10], does not erode an agency's substantive authority. The underlying principle is that with binding arbitration, a government would relinquish its control over decisions made, despite its accountability for those decisions. On the other hand, with negotiation, the government would retain its control, as required by legislation.

> Government agencies and officials are particularly sensitive to issues of control. "I have a legal mandate," such officials frequently tell us. The answer, of course, is that in...consensual negotiations...no one dictates terms or has terms dictated to them. Government agencies are constantly entering into negotiations that produce legally binding agreements - for example, labor contracts. Given that fact, nothing prevents government officials from engaging in non-binding negotiations, assuming, of course, that they are attentive to...other due process considerations. (Susskind and Cruikshank 1987)

To clearly delineate its substantive mandate, the Assistant Chief of the U.S. Forest Service recently reported that:

10. See *Appendix 2* for a description of these terms.

> For the [U.S.] Forest Service, law and regulation specify non-negotiable elements. Everything else, including policy, is usually negotiable and falls within the 'decision space,' consisting of alternative, acceptable, discretionary choices. A frequent impediment to effective negotiations is the lack of clear mutual understanding by the parties of the decision space. (Mealey 1988)

A fear of delegating authority from the executive to an employee-representative reinforces Wondolleck's (1988b) implications (quoted above) that documented experience may foster confidence in the use of skilled negotiators and that well defined substantive mandates need not be threatened by negotiative processes.

Finally, it is not suggested that principled negotiation be used to replace established procedures and planning processes, but rather they can be used to enhance these practices (Susskind and Cruikshank 1987).

b) Overcoming concerns about legitimacy

As Dorcey and Thompson (1983) point out, a change in the philosophy of governance "implies that government must give up its paternalistic 'I know better' approach to environmental management." But whereas fears of losing autonomy and control can feasibly be overcome by education and experience, the concerns that the agency may have about the *legitimacy* of the public's opinions appear to be related to more deeply held ideologies regarding democratic principles and processes.

As outlined above, there appear to be at least four separate aspects to this attitudinal "roadblock."

Whether or not the Ministry has been counselled to avoid dialogue with members of the public from fear of inadvertently conferring legal standing on these persons is, in one sense, immaterial. The overall implication is that an

injustice would be served if the Ministry gave preferential attention to one interest group over other interest groups or over the public interest in general. But how would an injustice be served? Under the principle of equality of opportunity, all interest groups would be given equal opportunity to discuss an issue with the government if either, (a) the government chose not to discuss the issue with anyone, or (b) the government chose to discuss the issue with anyone who wanted to discuss the issue. Only if the government chose to discuss the issue with preferred groups exclusively would the principle of equality of opportunity be violated. In other words, the act of discussing an issue with interest groups does not *in itself* transgress the principle of equal opportunity. Rather, it would be the government's selective exclusion of some interest groups that would be unjust from this perspective.

Nevertheless, as Susskind and Cruikshank (1987) point out, the practice of lobbying the government contains an inherent injustice, despite its wide acceptance in our society. Those interest groups with the greatest resources have a better chance to influence the decisions of government. But principled negotiation avoids this problem. Principled negotiation, as explained in section II, is based on the merits of the arguments, not the degree of lobbying or the strength of wills. The interests with the least resources can be given an equal chance to present arguments and negotiate the outcome.

Finally, the concern that any one "special interest group" cannot represent the general public, is a concept with little substance. In a pluralistic society, a general public interest can be a nebulous or meaningless concept. With regard to any one land-use issue, there may be no such thing as the general public interest. Most members of the public are likely to be uninterested in the issue and would perceive themselves to be unaffected by the outcome.

The *relevant* public interest therefore can be considered as a collection of separate interests, some of which may conflict with one another over a specific issue. It can be argued from this perspective that whoever perceives that his or her interests are affected in the issue has a legitimate right to participation in its outcome. Or to express this in another way, it is *only* "special interest groups" that can represent the public. In fact, in a pluralist society, "the public interest" has been defined as the result of conflict resolution among freely competing interests (Wengert 1964). In turn, resource management has been defined as the outcome of political struggle (O'Riordan and O'Riordan 1979).

The suggestion that it may be undemocratic for non-governmental organizations to participate in the decision-making processes of government is a more serious charge.

Early political theorists such as Tocqueville (1835) have pointed out that relatively autonomous organizations with political influence are essential for democratic freedom.

More recently, Dahl (1982) has reasoned that relatively independent organizations provide two major advantages for the maintenance of democracy. The first is that they act as a counterbalance to domination:

> In large political systems independent organizations help to prevent domination and to create mutual control. The main alternative to mutual control in the government of state is hierarchy[11]. To govern a system as large as a country exclusively by hierarchy is to invite domination by those who control the government of the state. Independent organizations help to curb hierarchy and domination.

11. Hierarchy, as Dahl is using the term here, means "any system in which the distributions of power, privilege and authority are both systematic and unequal," (Scruton 1982).

Or, as Dack (1984) points out in *Liberal-Democratic Society and Government in Canada*:

> In the end, the operations of these factors, the disinterest in politics of many people and the competitive advantages which those in office hold over all the rest produce a tendency toward oligarchy, which is defined as government by a few. Usually, the few govern more in their own interest than in the interest of all, a situation which runs counter to the liberal-democratic ethic and raises the question of how the tendency to oligarchy can be reduced or what counterbalancing institutions can be created.

Institutional arrangements that allow public interest groups to participate in the decision-making processes of government is the counterbalance that is needed.

The second advantage described by Dahl is that relatively independent organizations help to ensure that democratic principles are approximated in practice despite the large scale of their application.

> For those that believe that the essential value of democracy is in the opportunities it offers individual citizens to participate in and exercise control over public life, the attempt to apply democratic processes on a scale as large as a nation-state is bound to produce a sorry substitute for the real thing. The high promise of democracy on the small scale of the city-state will remain forever unfulfilled in the nation-state and will remain so even if polyarchies become much more fully democratized than they are now.

From this premise, Dahl argues that this is not to imply that democracy on a large scale is undesirable (this would carry unacceptable implications), but rather that within a system of large scale democracy, relatively autonomous organizations are desirable in order to approximate its tenets.

At the root of this attitudinal "roadblock," however, is a political ideology, namely "democratic elitism," that is based on a naturalistic fallacy[12]. From

12. A normative statement based on an empirical premise is termed a "naturalistic fallacy," (Angeles 1981). "It is impossible (logically, formally, conceptually) to derive an ought (or should) statement from and is (factual) statement...it is impossible to have a valid deductive argument in which the premises state descriptions and the conclusion states prescriptions or imperatives," (Angeles 1981).

the viewpoint of strict democratic elitists, "Democracy means only that the people have the opportunity of accepting or refusing the men who are to rule them" (Schumpeter 1961). This ideology is partly based on the empirical observation that "most citizens (and especially those in the 'lower socio-economic status groups') exhibit a general lack of interest in and knowledge about politics and political activity[13]" (Schafer 19?). From this observation, democratic elitists then commit a naturalistic fallacy by proclaiming that people *should*, therefore, be severely limited in their opportunities to participate in political decision-making:

> [D]emocratic elitists...move from the premise that most people are politically incompetent and uninterested to the conclusion that democratic elitism is therefore the best possible form of social organization.

In defense of participatory democracy, on the other hand, Schafer (19?) suggests that the political attitudes and behavior of most citizens are due to their "socialization" rather than to inherent disinterest and incompetence. He points out that "participation promotes the very attitudes and abilities necessary for further participation."

The participation of public interest groups in the decision-making processes of government is therefore the exact opposite of being *un*democratic: it is a means for ensuring that democracy is practiced.

Although strong arguments can be presented in support of the legitimacy of public interest groups and their opinions in the decision-making processes of government, not all persons will necessarily agree (Pross 1982), and their ideologies may be deeply entrenched. For example, in the past, the U.S. Forest Service resisted these concepts. In an intensive analysis of this

13. This is Schafer's summary of a collection of empirical studies, particularly as noted in Berelson, et al. 1954; Milbraith 1965; and Almond and Verba 1965).

agency's values, Twight (1983) found that the organization clung to its outmoded values despite external pressure and to its own detriment. Twight noted that other organizations tend to adapt and modify their ideologies to perceived external power influences, including public opinion. It was the deeply held belief in a sustained yield theory "in which the premises of stability, land scarcity, and certainty of demand were assumed and a closed economy was valued," that prevented the U.S. Forest Service from responding appropriately to societal changes. It reacted defensively rather than proactively anticipating change. With this case in mind, it is not clear what mechanisms can be used to overcome the political ideology that the B.C. Ministry of Forests appears to hold, but executive leadership and external pressure are indicated.

2. Changes in the Practice of Governance

a) Enabling policy

Under the assumption that the above-mentioned obstacles can be overcome, the Ministry of Forests needs to adopt policy changes that would explicitly permit the use of negotiation. A policy (or legislation) that permits negotiation without making it mandatory provides flexibility, whereby the Ministry's use of negotiation would remain discretionary.

b) Public involvement procedures

For wilderness allocation issues, the Ministry also needs to adopt procedures that allow negotiation-based public involvement in all the strategic decisions pertaining to allocations. In addition to site-specific decisions at the TSA or TFL level of planning, there is an apparent need to allow public groups to negotiate the "regional priorities" for wilderness allocations, as will be discussed below.

An associated need is for the Ministry to have access to competent mediators. Several authors (Bingham 1986; Cormick 1987; Collins 1988) stress the importance of mediators, not only in conducting successful negotiations, but in breaking through perceived impasses and in encouraging disputants to participate in negotiations.

c) Planning procedures

A third change that is needed in the practice of governance is for the Ministry to better recognize and accommodate the complexities of value differences in its planning procedures.

As several authors (Bingham 1986; Dorcey 1986; Fisher and Ury 1981; Kann 1986; Kelman 1982; Susskind and Cruikshank 1986 and Wondolleck 1988a, to name only a few) have suggested, it is only through negotiation that the subtleties and complexities of value differences can be (a) revealed, (b) assessed, and (c) resolved. The implication for the Ministry of Forests is that not only should wilderness allocations be negotiated with the affected public, but that it is only through this type of public involvement that land-use alternatives can be fully evaluated.

As has been mentioned earlier in this paper, the complexities and uncertainties in environmental disputes place limits on the appropriate use of many traditional planning tools. Alston (1983) points to a history of modelling exercises in the United States that were intended to resolve such disputes. They failed because they were overly simplistic. As Dorcey and Thompson (1983) explain:

> Most of the tools we have developed work best when applied to simple problems - those that can be separated and reduced to a relatively few variables and relationships. If only a one-dimensional value system (i.e. dollars) is used, such problems are

> relatively easy to tame. But when there is a large number of variables whose interrelationships we do not understand, and differing value systems as well, we lack the tools to analyse their behavior.

Similarly, authoritarian and consultative forms of governance cannot accommodate these complexities of value differences. Although advisory groups to government can, in theory, express opinions and preferences, this process fails to take into account that groups involved in negotiation will usually change their initial opinions as they learn more about the issue, as their own interests are challenged and clarified, and as they move toward consensus with other negotiators.

Instead, Dorcey and Thompson (1983) suggest that "real world problem-solving methods" must meet four criteria that were originally developed by Mason and Mitroff (1981):

> Firstly, they must be *participative* because they must actively involve the individuals with relevant knowledge and whose interests are affected. Secondly, they must be *adversarial* because the best judgment results from challenged assumptions and arguments. Thirdly, they must be *integrative* because, while participative and adversarial processes will facilitate analysis, it is necessary to go on to synthesize coherent policies for addressing complex problems. Finally, they must be *managerial mind supporting* because they must serve the individual's ongoing need for insight into the nature of complexity and concepts for coping with it in ways that are credible to him....Clearly these researchers [Mason and Mitroff] are suggesting we must go beyond consultation and into bargaining if wicked problems are to be tamed.

To understand why these criteria offer wise guidance for formulating better planning procedures, and why negotiation in particular is indicated, it is necessary to clarify the term *value* and to recognize to what extent it is, and is not, accommodated in current Ministry planning procedures.

The process of evaluation produces a value judgment. The term *value*, therefore, refers to the product, a value judgment, that has been derived through a process of evaluation (Taylor 1961).

Prescriptions entail value judgments (Taylor 1961). Hidden within land-use allocations (*i.e.* prescriptions) are numerous and complex value judgments. For example, these may include judgments of political, cultural, aesthetic, economic, legal and perhaps religious significance. This complexity cannot be handled by simplistic conceptual models without inadvertently making value judgments by way of planning assumptions. These inadvertent value judgments, or planning assumptions, can create or exacerbate public conflict by failing to reconcile differences in public values (Alston 1983).

The word *value* has many meanings and tends to be used ambiguously, but in somewhat simplistic terms three categories of value can be described (Andrews and Waits 1978): Firstly, value can refer to the subjective *preferences* of individuals, groups or whole cultures. Secondly, value can refer to *ethical judgments*, based on objectively derived norms, only a small portion of which may be encased in law. This category includes the broad and complex subject of justice along with its components, duties and rights (both legal and moral). Thirdly, value can refer to *instrumental value*, meaning usefulness, or the ability to satisfy a purpose. Implicitly or explicitly, the process of evaluation uses normative principles in order to determine each of these types of value (Taylor 1961).

In broad terms, science and applied science, including forestry, investigate empirical knowledge and instrumental prescriptions (*i.e.* the "how-to's"). Similarly, the Ministry's forest planning systems yield instrumental prescriptions. The key point here is that these instrumental prescriptions are

subservient to, and contingent upon, the intrinsic values held by society. The evaluation (process) that leads to these value judgments (product) must be based on normative principles, as are all value judgments. Some of these principles may be delineated in law, but in practice, land allocation decisions tend to be based on implicit and presumed normative principles held by the decision-makers rather than the public (Andrews and Waits 1978).

The Ministry's proposed planning procedures for allocating wilderness (as described in section III) allow for public comment. However, these consultative procedures oversimplify the preferential and ethical values inherent in the options offered to the public. It is only through negotiative processes, or "structured dialectical debate" (Mason and Mitroff 1981) that the complexities of values can be appreciated and accommodated.

> Through structured debate in the bargaining process, it is possible to generate much better information about intangibles and fundamentally different value perspectives than is ever possible by the use of evaluative techniques. (Dorcey 1986)

To illustrate how a resource agency can impose its own normative principles over those of the affected public, and how naturalistic fallacies are committed by assuming normative direction from descriptive observations, it is useful to note the results of a recent in-depth study of values in the U.S. Forest Service.

Twight (1983) concluded that in the past the U.S. Forest Service was guided by an ideology that was heavily influenced by a form of utilitarian theory. As Twight explains:

> Applied to forestry, utilitarian theory has the following components: (1) timber primacy, (2) telic forestry, (3) scientific elitism, and (4) technocracy.
>
> The timber primacy component...assumes that the first and foremost purpose of forest growth is to supply man with wood material...[and] if the forest is managed for timber, other goods and services of the forest will follow in sufficient amounts.

> As opposed to free enterprise, [telic, or socially planned, forestry] maintains that it is the social duty of the government to control the powers of nature [such that] stability of the wood industry and its output ought to be the primary goal irrespective of changes in tastes, technology, consumption, and other economic factors.
>
> Scientific elitism holds that a professional bureaucracy trained in science is best equipped to make policy decisions regarding natural resources. It is they...who ought to make resource allocation decisions because such decisions are basically technical in nature.
>
> [T]echnocracy asserts that the application of professional expertise and scientific technology to natural resources, particularly forests, is best accomplished under the single and everlasting central authority of the state...by specialists who exercise authority delegated to them according to impersonal rules and who are loyal only to the faithful execution of their duties.

Among the many value judgements that are contained in this expression of ideology, three major values can be distilled: (1) that the primary value of *all* forest land is to produce timber, (2) that non-timber values will be sufficiently supplied on *all* forest land, if managed for timber, and (3) that the public's opinions are irrelevant with regard to resource allocations.

In his case study of the creation of Olympic National Park in 1938, and with reference to other protected areas in the U.S., Twight (1983) concludes that it was the tenacious clinging to these perceptions and values (*i.e.* ideology), in opposition to those of society as a whole, that led to reductions in the agency's jurisdiction.

Presumably, the B.C. Ministry of Forests does not hold an ideology that is this extreme. Based on integrated resource management, the Ministry's planning framework theoretically attempts to balance society's needs for timber and non-timber values. However, the obstacles to negotiation identified above indicate that the Ministry does have doubts about the legitimacy and relevance of the public's opinions, and about the public's role in decision-making processes. If this is true, it leads to questions about how the agency

accommodates the public opinions that it does receive. It also suggests that the Ministry imposes its own (albeit implicit) value judgments in land-use allocation decisions. For example, the Ministry's attention to cost-benefit analysis as an indicator of the value of wilderness would fail to recognize the ethical considerations that precede the use of economic criteria. The application of cost-benefit analysis to this type of resource allocation problem has been heavily criticized in the literature (Andrews 1982; Copp 1985; Kelman 1982; Liroff 1982; Sagoff 1988; and others). These authors' main argument is that the concept of value is much more complex than the determination of preferences alone, which is the focus of market economics and of cost-benefit analysis. Instead, as discussed previously, the evaluation of wilderness requires the careful deliberative reflection and discourse which principled negotiation stresses.

3. Incentives for Negotiation

The likelihood of successful negotiation depends on several criteria (see section II). For wilderness land-use issues in B.C., three of these conditions need special emphasis. All three pertain to the need to provide sufficient incentives for the contesting parties to negotiate, given that the disputes are perceived to involve mutually exclusive interests, as explained below.

The approach taken in principled negotiation is to endeavor to maximize the interests of participants, rather than to compromise their positions, as explained in section II. The underlying premise of this approach is that unobvious solutions can be found that will attend to the interests of participants, despite an initially apparent impasse. Case histories to date (Bingham 1986) have usually substantiated this premise. The exception is

with mutually exclusive interests, wherein, by definition, at least one of the party's interests cannot be accommodated.

There is an indication that some of the high-profile wilderness versus industrial development conflicts in B.C. may involve mutually exclusive interests. It is feasible that *if negotiation were initiated*, solutions could be found that would satisfy both of the competing interests in some cases, despite outward appearances that the interests are mutually exclusive (G. Erlandson, pers. comm.). But for any one spatially well-defined wilderness issue, both competing interests may perceive that (a) substitute areas are not available, (b) preservation of the contested area as wilderness would foreclose options for industrial development, and (c) industrial development in the contested area would foreclose the option for wilderness preservation. In other words, the *perception* that the interests are mutually exclusive may fail to provide incentives to negotiate. Both parties may perceive the issue to be non-negotiable.

Similarly, the parties may believe that alternative avenues, including media campaigns and political lobbying, are more likely to achieve their objectives. Fisher and Ury (1981) and Susskind and Cruikshank (1987) stress that for negotiation to be successful, negotiation must appear to be more attractive than the parties' BATNA's (*i.e.* Best Alternative To Negotiated Agreement).

The issues can theoretically be resolved by non-negotiated means, such as authoritarian decision-making or binding arbitration. However, as indicated previously, non-voluntary resolutions are less likely to be enduring or satisfactorily implemented, especially when the stakes are perceived to be high.

Specifically, as a means for resolving wilderness land-use issues in B.C., there are three mechanisms whereby negotiation may be made sufficiently attractive to contesting parties.

Firstly, a mediator may be able to break through the perceptions of mutual exclusivity to find new options, thereby creating sufficient incentive for negotiation.

> Once an issue reaches the point at which it is properly characterized as a dispute, the parties are, or will soon be, locked in conflict and see little reason to change their adversarial tactics....Institutional support for negotiation [and] mediation...may change the organizational mind sets. (Emond 1987)

This opportunity emphasizes the need for the Ministry of Forests to have access to reliable, competent and independent mediators.

A second mechanism, is to involve the decision-maker in the negotiations.

> The most significant, measurable factor in the likelihood of success in implementing agreements appears to be whether those with the authority to implement the decision participated directly in the process. (Bingham 1987)

This factor appears to have equal significance in providing the initial incentive for some parties to negotiate. It is important for parties to know that any agreement reached will be a decision by the accountable party, not a recommendation to the accountable party.

> If the parties expect to enter into real bargaining but it becomes evident that only consultation is involved, cynicism sets in about the worth of any dealings with the authoritative decision-maker. (Dorcey and Thompson 1983)

Finally, the scope of the issue to be resolved may need to be expanded in order for the participants to feel they have something to gain by negotiating.

More specifically, if single wilderness issues appear to be non-negotiable, then planning for wilderness on a regional scale may be more amenable to negotiated processes.

The Ministry of Forests has perceived that forest level planning (*i.e.* TSA and TFL planning) is not well suited to the higher level of strategic considerations required for wilderness allocations (T. Hall and T. Vold, pers. comm.). An overview is needed to give context to specific wilderness assessments within TSA's and TFL's. Provincial policy, however, is too broad. The Ministry's second of five levels of planning, pertaining to "Regional Priorities," appears to be the most appropriate planning level for overview considerations of wilderness.

At this point, two opportunities converge. Firstly, in order to give context to wilderness allocations, and perhaps to help prevent wilderness conflicts from multiplying, planning at the regional level is suggested. Secondly, principled negotiation has been demonstrably effective in resolving environmental disputes. Its use as the means for involving the public in the establishment of regional goals for wilderness allocations is therefore strongly indicated.

A number of authors have suggested institutional mechanisms that would give negotiation more force. For example, Dorcey and Thompson (1983) suggest that "Legislation can create negotiation power by making bargained agreements a precondition of gaining benefits under the legislation." In the U.S., five states have already passed statutes that require permittees for solid or hazardous waste facilities to negotiate siting agreements with local communities, and Pennsylvania is considering a bill which would require negotiated agreements in land-use and zoning disputes (Bingham 1986).

In B.C., the Ministry of Forests' Public Involvement Policy requires TFL holders to attempt to resolve disputes in the tenured area before a TFL Management and Working Plan is approved by the Chief Forester. Similarly, recent *Letters of Understanding* between the Ministry and TFL holders ask the licencee to attempt to resolve conflicts in Five Year Development Plans (Ministry of Forests, September 1988). Although this appears to be an opportunity to implement requirements for TFL holders, or other major licencees, to negotiate agreements before benefits under the *Forest Act* are granted, there are three reasons why this would be inappropriate for the resolution of wilderness land-use disputes:

(i) Offers by licencees to negotiate disputes with public interest groups may be received with suspicion; they would likely not have sufficient motivation to participate in an industry sponsored process.

(ii) By refusing to negotiate an agreement, wilderness advocacy groups could indefinitely prevent the licencee from resolving the issue and thereby from receiving approval to develop the contested area.

(iii) The position among some wilderness advocacy groups that specified wilderness land-use conflicts are non-negotiable issues, suggests that the *scale* for conflict resolution is inappropriate, as discussed above.

Rather than legislating negotiation, which has coercive overtones, negotiation may be more attractive to wilderness and industrial development advocates alike if positive incentives, as suggested above, were offered.

VII. CONCLUSIONS

1. Forest land-use conflicts are primarily concerned with the distribution of benefits and costs among affected persons. Inherent differences in values, perceptions and behavioral attitudes in our pluralistic society determine the differences in opinions regarding the appropriate distribution of these benefits and costs.

2. From preliminary research, the main obstacles to the B.C. Ministry of Forests' use of principled negotiation for resolving wilderness disputes appear to be:

    a) a fear that the agency may lose some control and autonomy with regard to forest land-use allocations,

    b) concerns about the legitimacy of the opinions held by public interest groups and their participation in the decision-making processes of government, and

    c) perceptions that the competing interests are mutually exclusive in any one contested wilderness area.

3. It is possible that the agency's concerns about control, autonomy and legitimacy could be overcome through education, experience and executive leadership.

4. Opportunities are available for the Ministry of Forests to use principled negotiation as a means for resolving wilderness allocation issues. In order to realize these opportunities, the Ministry needs the following:

    a) a public involvement policy that explicitly permits the use of principled negotiation;

    b) public involvement procedures that include negotiation as a viable option;

c) access to experienced mediators to break through perceived impasses and to lead productive negotiations;

d) forest planning procedures in which the evaluation of forest resources, including wilderness, are partly determined by negotiated public involvement processes; and

e) an expanded frame of reference for wilderness allocation planning whereby regional priorities for wilderness are negotiated in the public arena.

VII. REFERENCES CITED

A. Publications and Reports:

Almond, G.A. and S. Verba. 1965. *The Civic Culture.* Little, Brown and Company, Boston.

Alston, R.M. 1983. *The Individual vs. The Public Interest - Political Ideology and National Forest Policy.* Westview Press.

Andrews, R.N.L. 1982. *Cost-Benefit Analysis as Regulatory Reform.* In: Swartzman, D., R. Liroff and K. Croke. *Cost-Benefit Analysis and Environmental Regulations: Politics, Ethics, and Methods.* The Conservation Foundation.

Andrews, R.N.L. and M.J. Waits. 1978. *Environmental Values in Public Decisions: A Research Agenda.* School of Natural Resources, University of Michigan.

Angeles, P.A. 1981. *Dictionary of Philosophy.* New York: Harper & Row.

Berelson, B., *et al.* 1954. *Voting.* The University of Chicago Press.

Bingham, G. 1986. *Resolving environmental disputes: A decade of experience.* The Conservation Foundation, Washington, D.C.

Bingham, B. 1987. *Resolving environmental disputes: A decade of experience.* In: Brower, D.J. and D.S. Carol. (eds.) *Managing Land-Use Conflicts.* Duke University Press.

Collins, R.C. 1988. *Resolving forest management planning disputes: A mediator's perspective.* Resolve No. 20.

Copp, D. 1985. *Morality, Reason, and Management Science: The Rationale of Cost-Benefit Analysis.* Social Philosophy and Policy 2(2):128-151.

Cormick, G. 1987. *Environmental Mediation: The myth, the reality, and the future.* In: Brower, D.J. and D.S. Carol. (eds.) *Managing Land-Use Conflicts.* Duke University Press.

Dack, G. 1984. *Liberal-democratic society and government in Canada.* Western Constitutional Forum.

Dahl, R.A. 1982. *Dilemmas of Pluralist Democracy: Autonomy and Control.* Yale University Press.

Dorcey, A.J.H. 1986. *Bargaining in the governance of Pacific coastal resources: research and reform.* Westwater Research Centre, University of B.C.

Dorcey, A.J.H. 1988. *Negotiation in the integration of environmental and economic assessment for sustainable development.* In: *Integrating environmental and economic assessment: analytical and negotiating approaches.* Workshop proceedings, 17-18 November, Vancouver, B.C. (In press)

Dorcey, A.J.H. and C.L. Riek. 1987. *Negotiation-based approaches to the settlement of environmental disputes in Canada.* In: *The Place of Negotiation in Environmental Assessments*, Workshop proceedings: Canadian Environmental Assessment Research Council, Toronto, 19-20 February, 1987.

Dorcey, A.J.H., and A.R. Thompson. 1983. *Environmental management as a negotiation process: for better or worse.* In Hanson, P.P. (ed.). 1986. *Environmental ethics: philosophical and policy perspectives.* SFU Publications.

Emond, D.P. 1987. *Accommodating Negotiation/Mediation within Existing Assessment and Approval Processes.* In: *The Place of Negotiation in Environmental Assessments*, Workshop proceedings: Canadian Environmental Assessment Research Council, Toronto, 19-20 February, 1987.

Fisher, R. and Ury, W. 1981. *Getting to yes: negotiating agreement without giving in.* Houghton Mifflin, Boston.

Funk & Wagnalls. 1980. *Standard College Dictionary.*

Government of B.C. 1979. *Forest Act.* R.S. Chap. 140.

Kann, M.E. 1986. *Environmental Democracy in the United States.* In: Kamieniecki, S., R. O'Brien and M. Clarke (eds.) *Controversies in Environmental Policy.* State University of New York Press.

Kelman, S. 1982. *Cost-Benefit Analysis and Environmental, Safety, and Health Regulations: Ethical and Philosophical Considerations.* In: Swartzman, D., R. Liroff and K. Crokc. *Cost-Benefit Analysis and Environmental Regulations: Politics, Ethics, and Methods.* The Conservation Foundation.

Liroff, R.A. 1982. *Cost-Benefit Analysis in Environmental Regulation: Will It Clear the Air or Muddy the Water?* In: Swartzman, D., R. Liroff and K. Crokc. *Cost-Benefit Analysis and Environmental Regulations: Politics, Ethics, and Methods.* The Conservation Foundation.

Marchak, M.P. 1988. *Ideological Perspectives on Canada.* McGraw-Hill Ryerson.

Mason, R.O. and I.I. Mitroff. 1981. *Challenging Strategic Planning Assumptions: Theory, Cases and Techniques.* New York: John Wiley and Sons.

Mealey, S.P. 1988. *Democratizing Bureaucracy.* In Johnson, J.E. (ed.) *Managing North Central Forests for Non-Timber Values.* Proceedings of the Fourth Society of American Foresters Region V Technical Conference, 29 Nov.-1 Dec., 1988, Duluth, Minn. Soc. of Amer. For.

Milbraith, L.W. 1965. *Political Participation.* Rand McNally and Company, Chicago.

Ministry of Forests. *A Planning Framework.* Chapter 1, Resource Planning Manual.

Ministry of Forests. September, 1988. *Letter of Understanding Implementation Plan.*

Ministry of Forests. 1981. *Public Involvement Handbook.*

Ministry of Forests. 1983. *Public Involvement Policy.*

Ministry of Forests. 1985. *Provincial Forests Policy.*

O'Riordan, J. and T. O'Riordan. 1979. *How can citizens input best be utilized by decision makers?* In Sadler, B. (ed.) *Public participation in environmental decision making: strategies for change.* Proceedings of a national workshop, 17-29 April, 1979. Environment Council of Alberta.

Ombudsman, Province of B.C. 1988. *Aquaculture and the Administration of Coastal Resources in British Columbia.* Public Report No. 15.

Pross, A.P. 1982. *Governing under pressure: the special interest groups - summary of discussion.* Canadian Public Administration. 25(2):170-182.

Sagoff, M. 1988. *Some Problems with Environmental Economics.* Environmental Ethics 10:55-74.

Schafer, 19? *Citizen Participation.* In: *The Allocative Conflicts in Water Resource Management.*

Schumpeter, J. 1961. *Capitalism, Socialism and Democracy.* London: George Allen and Unwin.

Scruton, R. 1982. *A dictionary of political thought. The MacMillan Press.*

Susskind, L., and J. Cruikshank. 1987. *Breaking the impasse: consensual approaches to resolving public disputes.* Basic Books, New York.

Talbot, A.R. 1983. *Settling Things: Six Case Studies in Environmental Mediation.* The Conservation Foundation.

Taylor, P. 1961. *Normative Discourse.* Prentice-Hall.

Thompson, A.R. 1979. *A Disciplined Framework for Public Participation.* In Sadler, B. (ed.) *Public participation in environmental decision making: strategies for change.* Proceedings of a national workshop, 17-29 April, 1979. Environment Council of Alberta.

Tocqueville, A. 1835. *Democracy in America.*

Twight, B.W. 1983. *Organizational Values and Political Power: The Forest Service Versus the Olympic National Park.* The Pennsylvania State University Press.

Wengert, N. 1964. *Natural Resources and the Political Struggle.* Doubleday, New York.

Wilderness Advisory Committee. 1986. *The Wilderness Mosaic.* B.C. Ministry of Environment.

Wondolleck, J.M. 1986. *An evaluation of the U.S. Forest Service Natural Resource Conflict Management Training Program: final report.* School of Natural Resources, University of Michigan.

Wondolleck, J.M. 1988a. *Public lands conflict and resolution: managing National Forest disputes.* Plenum Press. New York.

Wondolleck, J.M. 1988b. *Resolving forest management planning disputes: obstacles and opportunities*. Resolve No. 20. The Conservation Foundation.

B. Personal Communications:

Crover, J. Planning Systems Specialist, Integrated Resources Branch, Ministry of Forests, Victoria.

Erlandson, G. Public Involvement Specialist, Integrated Resources Branch, Ministry of Forests, Victoria.

Hall, T. Manager, Recreation Section, Integrated Resources Branch, Ministry of Forests, Victoria.

Vold, T. Wilderness Forester, Recreation Section, Integrated Resources Branch, Ministry of Forests, Victoria.

VIII. APPENDICES:

Appendix 1: The Ministry of Forests' "Wilderness Assessment and Designation Process"[14]

Steps	Tasks
1) Terms of reference	Forest Service preparation of draft terms of reference in consultation with affected agencies and approval by the Regional Manager.
2) Public notification	Notification of the public, solicitation of input, identification of active planning participants, Forest Service preparation of *Terms of Reference Document.*
3) Information assembly	Identification and inventory of all resource values, preparation of assumptions or reports.
4) Analysis	Assessment and comparison of all resource values, preparation of assumptions or reports.
5) Options	Development of land use options, Forest Service preparation and public review of *Wilderness Management Options Report.*
5a) Draft plan	For some candidate areas, a draft plan may be prepared to accompany recommended options.
6) Recommendations	Forwarding of recommendations regarding wilderness designation from Regional Manager to Forest Service Executive, with Integrated Resources Branch and Wilderness Liaison Committee review before submission of recommendations to the Environment and Land Use Technical Committee (ELUTC, or Deputies Committee) and subsequently to Cabinet.
7) Decision	Cabinet decision regarding wilderness designation.
8) Plan preparation	Preparation of a *Wilderness Management Plan* or other plan consistent with designation decision.
9) Plan implementation	Implementation, enforcement and monitoring of the *Wilderness Management Plan* or other plan.

14. Modified and updated from: *Table 1: The wilderness designation process.* In: Ministry of Forests. June 1988. *Managing wilderness in provincial forests: A proposed policy framework.*

Appendix 2: Terminology

Some of the terms used in the literature seem to vary in meaning depending on the author. The following notes explain how some terms are used in this paper.

Negotiation: "Negotiation is back-and-forth communication with the intention of reaching an agreement when two or more participants have some interests that are shared and some that conflict." (Dorcey 1988)

Facilitation: "Facilitation is the simplest form of assisted negotiation. The facilitator focuses almost entirely on process, makes sure meeting places and times are agreed upon, sees that meeting space is arranged appropriately, and ensures that notes and minutes of the meetings are kept. He or she sometimes acts as a moderator, usually when many parties are involved." (Susskind and Cruikshank 1987)

Mediation: "Mediation intensifies the substantive involvement of the neutral without removing control over the outcome from the parties. It also involves the helper in a great deal more confidential interaction with the parties. Just as some disputes are too complex for unassisted negotiation, others are too formidable for facilitation." (Susskind and Cruikshank 1987)

By contrast, Cormick's (1987) descriptions of mediation downplay the substantive involvement of the assisting intermediary. He essentially uses the term "mediation" and "facilitation" interchangeably: "The mediator facilitates the negotiation process by assisting the parties to reach a settlement acceptable to them."

Binding arbitration: "[A] process in which an arbitrator listens to each side's arguments and arrives at a judgment by which the parties have agreed to be bound." (Susskind and Cruikshank 1987)

Non-binding arbitration: "[A] process whereby a private judge or panel listens to the arguments of all sides, and then suggests an appropriate solution that the parties can either accept or reject." (Susskind and Cruikshank 1987)

Ideology: "[A]ny system of ideas regarding philosophic, economic, political, social beliefs and ideals" (Angeles 1981). Or more specifically, "shared ideas, perceptions, values, and beliefs through which members of a society interpret history and contemporary social events and which shape their expectations for the future" (Marchak 1988).

Opinion: "A conclusion or judgment held with confidence, but falling short of positive knowledge" (Funk & Wagnalls 1980). As defined here, *opinion* is closely related to *ideology* because one's conclusions or judgments depend on one's ideology.